

Memorandum

To : File

Date : October 3, 1988

From : Fair Political Practices Commission
John G. McLean

Subject: Advice Request No. T-88-365

Spoke today with Mary Hansen. Advised her that under emergency Regulation 18901, the Mayor's column may not be included in a mass mailing. Further advised her that the newsletter may not contain the name, signature, photograph, or any other reference to an elected officer.

JGM:ld:T88365



California Fair Political Practices Commission

September 21, 1988

Mary Getty Hansen
Town Clerk
142 Bolinas Road
Fairfax, CA 94930

Re: 88-365

Dear Ms. Hansen:

Your letter requesting advice under the Political Reform Act was received on September 20, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John McLean, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Kathryn E. Donovan
Diane M. Griffiths *for*
General Counsel

DMG:plh



TOWN ADMINISTRATOR
Charles R. Cate

TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930 (415) 453-1584

MAYOR
Wendy Baker

COUNCIL
David Clark
Frank Egger
Ken Lippi
Carol Sherman

September 13, 1988

Alice Hughes
Fair Political Practices Commission
P.O. Box 870
Sacramento, California 95804

Dear Alice:

Recently we received the attached memorandum from the League of California Cities outlining the amendment to Government Code Section 89001 by Proposition 73, which reads in part: "No newsletter or other mass mailing shall be sent at public expense."

The above has always been considered by me to be in connection with the campaigning for an election by candidates and not in connection with a newsletter published for the citizens of a city and sent to them. My question to you is can we still publish the city newsletter (we have enclosed two) and can the Message from the Mayor still appear?

The Council is now considering publishing its Newsletter for this year and we need to be informed as to the correctness of printing the Message from the Mayor and the newsletter itself.

We hope you enjoy reading them and thank you in advance for your comments on the above.

Cordially,


Mary Getty Hansen, CMC
Town Clerk

enclosures



League of California Cities

1400 K STREET • SACRAMENTO, CA 95814 • (916) 444-5790

AUGUST 1988

TO: All City Attorneys
FROM: Paul Valle-Riestra, Staff Attorney
RE: Newsletters and Other Mass Mailings

Proposition 73 amended Section 89001 of the Government Code to read, "No newsletter or other mass mailing shall be sent at public expense."

Recently we sent to you an advice letter from the Fair Political Practices Commission (FPPC) dated July 1, concerning mass mailings.

On July 26, the FPPC adopted an emergency regulation on mass mailings, a copy of which is attached. The emergency regulation appears to follow the advice letter. Note that the advice letter at page 5 states that a newsletter may contain a standard roster-type listing of elected officials. While the emergency regulation does not specifically authorize this listing, FPPC staff has told us that these listings are still permitted. However, you may wish to request an advice letter on this subject before including such a listing in a newsletter.

One of the Commissioners questioned whether they have the legal authority to permit certain mass mailings when the text of Proposition 73 appears to prohibit publicly funded mass mailings across the board. FPPC staff gave the preliminary opinion that they do have this authority. However, the FPPC directed staff to prepare a legal analysis of this authority for the September meeting. At that meeting, the FPPC is expected to pre-notice a permanent regulation on mass mailings for consideration at the November meeting.

massmail.exec



TOWN ADMINISTRATOR
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September 13, 1988

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Fair Political Practices Commission
P.O. Box 870
Sacramento, California 95804

Dear Alice:

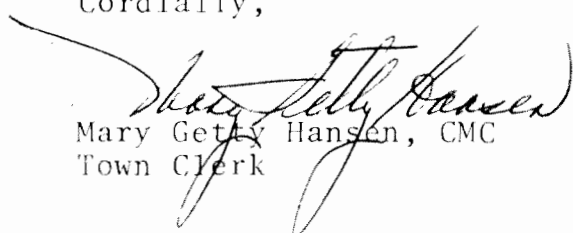
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Cordially,


Mary Getty Hansen, CMC
Town Clerk

enclosures

Alternative 1

Amend 2 Cal Code of Regs. Sect. 18901 to read:

18901. Prohibition on Newsletter or Mass Mailing

~~(a) The prohibition contained in Government Code Section 89001 against any legislative newsletter or other mass mailing sent at public expense by or on behalf of any elected state officer after the elected state officer has filed a declaration of candidacy for any office terminates when:~~

~~(1) The elections for which the declaration of candidacy was filed have been conducted or the candidate has been defeated; or~~

~~(2) The officer obtains a court order revoking his declaration of candidacy.~~

~~(b)~~ (a) A mailing is a mass mailing if 200 or more ~~identical or nearly identical~~ substantially similar pieces of mail are sent in a calendar month, provided, however, that mass mailings do not include mailings which contain only information or material sent in response to specific requests contained in written correspondence, petitions, oral inquiries or coupons and the requests were not solicited by the elected officer, or by any third person at the behest of the elected officer.

~~(c)~~ (b) A mailing will not be deemed to be ~~sent "by or on behalf of any elected state officer"~~ prohibited by Section 89001 if the mailing meets all of the following criteria:

(4) Mailings to persons subject to a government program administered by a governmental officer when such mailings are essential to the functioning of the program; or

(5) Mailings required by statute, ordinance or court order.

AUTHORITY: Gov. Code Section 83112

REFERENCE: Gov. Code Sections 82041.5, 89001



FAIRFAX TOWN NEWSLETTER

PUBLISHED BY THE TOWN OF FAIRFAX

NOVEMBER - DECEMBER, 1987

Message from the Mayor

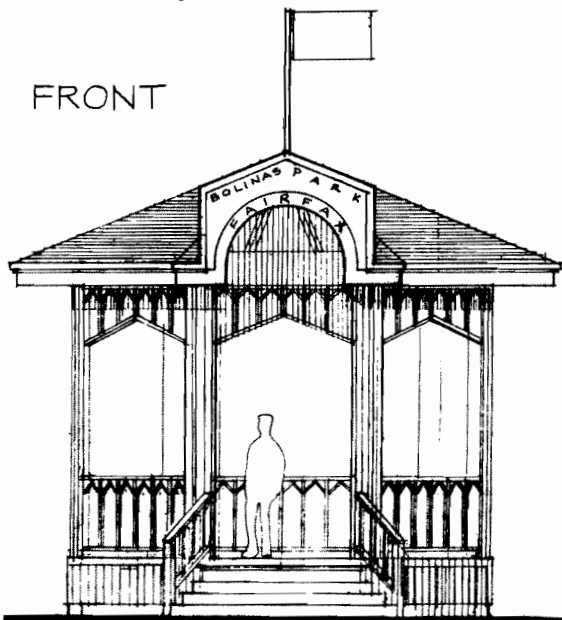
Welcome to the second issue of the Fairfax Newsletter. Just about a year ago, a questionnaire was inserted in our Town Newsletter and we asked Fairfax residents to comment on the Town's assets and liabilities, the downtown, housing and transportation issues.

Over three hundred questionnaires were returned to us, which was a 7.5% response, considered quite good when using the mail back survey technique. The results were of great interest to the Council, so we'd like to spend a large part of the Newsletter sharing those responses with you so you will know how your fellow residents feel on a variety of subjects.

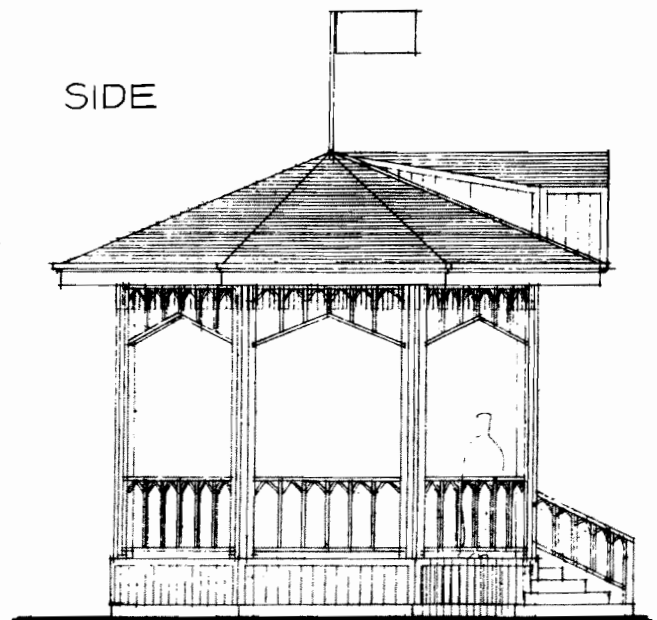
We hope you enjoy reading this issue of the Newsletter and we thank everyone who took the time to respond to our survey. As a public organization, our single purpose is to serve, maintain, improve and protect the community and we welcome your comments about the services we provide. Let us know how we're doing.

Gloria Duncan

FRONT



SIDE



Bandstand Proposed For Bolinas Road Park

A group of private citizens have proposed a unique addition to the Bolinas Road park where the Fairfax Festival is held each year. Plans are in the works to create a non-profit organization to raise money for construction of an old fashion bandstand. The town budgeted \$2,000 as seed money for this effort. This will be a fun project which will benefit the entire community. The goal is to have the bandstand in place for a summer concert series in 1988. For details call Robert Kennedy, 457-3847.

*Peri Park—
Many hours
were spent
installing
the new
equipment!*



Improvements for Peri Park

Using State Bond Act monies, Peri Park has received a \$24,000 face lift. New equipment, sand, benches, trash containers and a walkway are in place. The improvements have proven to be a big hit with the Fairfax younger set and their parents. The Friends of Peri Park, a volunteer group of parents and concerned citizens, spearheaded the drive to upgrade the park area, and spent many hours installing the equipment. The entire Town can be proud of the final product.

BULK RATE
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Fairfax, CA
Permit #43

New Look For Sir Francis Drake Boulevard And Other Improvement Projects

Undergrounding utility lines and the planting of twenty-two new street trees along Sir Francis Drake Boulevard will result in an open and more attractive vista in the area from 2000 Sir Francis Drake west to Marin Road. The majority of work is completed and the trees will be planted in January once all the utility lines are removed. The trees were paid for with Town funds, but the cost of the \$350,000 Undergrounding Project was almost entirely funded by PG&E.

Also soon to be installed will be four hundred feet of new safety guardrail on Sir Francis Drake Boulevard on either side of Marin Road. The estimated cost is \$44,000, but because of a State Grant, the Town's share will be only 10% of that cost. Also slated for the summer of 1988 will be completion of the repaving of Marinda Drive, at an estimated cost of \$44,000.

Another project planned will be funded jointly by the Town and the Golden Gate Transit District. It includes construction of a sidewalk between the stairs and the handicapped ramp. This will provide greater safety and convenience for commuters getting off the bus in the evening.

Postal Customer
Fairfax, California 94930

Watch For Santa . . . in the downtown area on December 13th and 20th in the morning hours. He and his elfs will also be found at the lawn area outside Town Hall from 12 P.M. to 3 P.M. these same days.

Call Santa on December 21, 22 and 23, from 6 to 8 P.M. at 453-1587



FAIRFAX TOWN NEWSLETTER

PUBLISHED BY THE TOWN OF FAIRFAX

DECEMBER, 1986

Message From The Mayor

Welcome to the first issue of the Fairfax Newsletter! Because the Council believes that communication with all of our residents is a priority we have undertaken this little venture, knowing full well that the Newsletter will never pose a threat to the established press of Marin County. However, there are interesting sidelights about your town government we would like to share with you, as well as being able to keep you informed of our goals and policies as they are developed.

We would like to hear from you; are there issues you would like more fully explained, objectives that need to be more clearly defined, and most of all, do you like the Newsletter?

Carol Sherman

Will You Volunteer for Fairfax?

The strength of a local community builds on the willingness of the people who live in it to help take care of each other; watching out for children and teenagers, keeping parks safe and clean, taking care of shut-ins, having fun together like the Fairfax Festival and block parties. Volunteering is one way we take care of each other. However we often do not know who needs help or what needs to be done. Some kind of local clearing-house such as the San Anselmo Volunteer Effort funded by the town could help us in Fairfax.

There are some people in Fairfax who would like to get together in the New Year, Wednesday, January 14, at 7:30 P.M., at the Fairfax Women's Club, to discuss the needs of Fairfax and to see if we can get a Fairfax Volunteer Program up and going. Part of the agenda will be devoted to discussing if having a Town Meeting in 1987 can happen. People who are interested should contact Michael Maeder at 457-5723.

Your Town and Its Government

Fairfax has a population of approximately 7,400 in a 2.2 square mile area, with 27 miles of roads. We have three schools and four churches.

Located at 142 Bolinas Road, along with the Police Department, the Town Hall is open from 8:30 A.M. to 5 P.M. Monday through Thursday, and 8:30 A.M. to noon on Fridays. Our phone number is 453-1584. The Police Department is open 24 hours a day. The Fire Department, run by the Ross Valley Fire Service, is around the corner on Park Road.

The Town has twenty-nine employees: seventeen in the police department, six in streets and park maintenance, and six in administration, finance, building and planning.

There is a five member Town Council who are elected to office for four year terms. The Council appoints a Town Administrator to carry out its policies, goals and objectives.

Councilmembers include Mayor Carol Sherman, Vice-Mayor Gloria Duncan, Frank Egger, Ken Lippi and Wendy Baker.

Key staff members are:

Charles R. Cate, Town Administrator

Walt Potter, Chief of Police

Bill Street, Superintendent of Streets

Nancy M. Marion, Director of Community Development

Mary Getty Hansen, Town Clerk

We welcome your comments on how the Town can improve its public service. Do not hesitate to call us.

**ON BEHALF OF THE TOWN COUNCIL AND STAFF,
WE WOULD LIKE TO WISH YOU ALL A VERY HAPPY
AND HEALTHY HOLIDAY SEASON.**



The old Fairfax 1929 Seagrave Fire Engine recently restored thanks to the Fire Warden's Club.

Update on 1986 Storm Damage Construction Projects

The Town was hit hard last February with road and hillside slipout problems that required major repair work. Construction projects to repair damage have been completed on upper Scenic across from 484, lower Scenic across from 355, and at the end of Pine Drive. One other major repair remains at 223 Scenic and that contract is currently under way. We appreciate the patience of the residents of Manor Hill during the construction period.



Fixing last year's damage on Scenic Road.

Parking Enforcement Program Under Way

Under the direction of Chief Walt Potter, the Fairfax Police Department is taking a fair, but consistent, approach to enforcement of the Town's parking regulations. There are two code sections which can be particularly hazardous if not enforced, especially in the hillside areas of Town. You can help by:

- Curbing, blocking or turning wheels into a bank, and
- Parking to leave a minimum of 12' clearance on the roadway.

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Permit #43

Building Permits and Public Safety

The Town has a full service building department which is committed to assisting the public in the processing and approval of construction related permits and inspecting work in progress. The construction codes are intended to safeguard the public against unsafe building practices and materials. The majority of construction, including reconstruction and repairs, require securing a building permit from the Town. If you have doubts as to whether a building permit is required, please contact the Building/Planning Department at 453-1584 during Town Hall business hours, prior to commencing any work. We will be most happy to answer your questions and assist you in any way we can.

Postal Customer
Fairfax, California 94930

Happy Holidays!